

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 12-CR-40026-WGY
)	
JOHN J. O'BRIEN)	

DEFENDANTS' JOINT MOTION TO CONTINUE SENTENCING

The defendants, John O'Brien, Elizabeth Tavares, and William Burke hereby move to continue the sentencing hearing currently scheduled for November 12, 2014 to a date on or after December 10, 2014. As grounds, counsel state as follows.

As the Court is well aware, the trial of this matter lasted approximately 13 weeks and involved a total of 60 government witnesses. The defendants have argued, and continue to believe, that the prosecution of this matter stretched the applicable criminal laws to their outer reaches. The case presented novel theories of criminal responsibility and was zealously prosecuted and defended. The defendants now require a brief 30 day continuance to present to the Court all the material and relevant facts and information that touch on sentencing.

Each of the defendants spent their working careers employed by the Massachusetts Department of Probation. The defendants have many people who have come forward and expressed an interest in speaking to undersigned counsel regarding the defendants' work history, personal characteristics, and other mitigating factors that bear on what constitutes an appropriate sentence. Many of the individuals that undersigned counsel are speaking to are state court judges,

sheriffs, lawyers, and other individuals who have relevant information. Based on peoples' schedules additional time is needed to complete the information gathering process and draft sentencing memoranda that fully incorporate these very important sentencing factors.

Moreover, the Court originally scheduled a hearing for October 22, 2014 on defendants' motions for new trial, judgments notwithstanding the verdict, as well as sentencing enhancements. The Court continued this hearing to November 6, 2014. The Court's decisions on the pending motions and what, if any, sentencing enhancements are applicable to each defendant clearly implicate sentencing arguments. The defendants need additional time following the November 6, 2014 hearing to incorporate the Court's rulings into their respective sentencing arguments and memorandum.

Defendants do not seek a lengthy continuance and they understand the public interest in bringing the matter to a resolution. However, the public interest must be weighed against the defendants' right to present all relevant and material information to the Court's attention that bears on what constitutes a reasonable and fair sentence. Notwithstanding counsels' best efforts, all defendants require additional time to gather and present that information to the Court.

Accordingly, the defendants request a 30 day continuance of the sentencing hearing.

JOHN J. O'BRIEN
By his attorney,

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by her attorney,

/s/ R. Bradford Bailey
R. Bradford Bailey, Esq.

CERTIFICATE OF SERVICE

I, Stylianus Sinnis, do hereby certify that this document has been filed electronically and that it will be served electronically to registered ECF participants as identified on the Notice of Electronic Filing (NEF) and by sending paper copies to non-registered participants all on October 28, 2014.

/s/Stylianus Sinnis
Stylianus Sinnis